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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,722	05/23/2000	Jason Y. Blakely	RSW9-1999-0104	3618

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EXAMINER	
HUYNH, CONG LAC T	

ART UNIT	PAPER NUMBER
2178	8

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/577,722	BLAKELY ET AL.	
	Examiner	Art Unit	
	Cong-Lac Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: amendment filed 8/9/04 to the application filed on 05/23/2000.

2. Claims 10-12 are added.

3. Claims 1-12 are pending in this case. Claims 1, 4, 7 are independent claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-4, 6-7, 9 remain rejected under 35 U.S.C. 102(e) as being anticipated by Lakritz (US Pat No. 6,623,529 B1, 9/23/03, filed 1/28/99, priority 2/23/98).

Regarding independent claim 1, Lakritz discloses:

- creating text in the first language (**col 5, lines 27-40**: creating a web document in one language, which is considered as the first language)
- using HTML 'lang' attribute to set at least one target language for a portion of the text which is different from the first language (**col 5, lines 41-49**: the fact that special tags are provided to insert language or country-specific content into an

HTML document shows that the language inserted into a portion of the HTML document is different from the language used for the whole web document; **col 6, lines 3-34**: "This allows ..., such that *only a portion of the document on the site need be translated* ... this also gives the customer the *option of translating only a subset of the total content on the site* ...")

- automatically programmatically translating the portion having the first language into said at least one target language with said 'lang' attribute as a key for machine translation in order to produce a mixed translation of the text (**col 6, lines 3-34**: "This allows ..., such that *only a portion of the document on the site need be translated* ... this also gives the customer the *option of translating only a subset of the total content on the site* ..."; the fact that only a portion of the documents on the site need to be translated shows that the translated portion has a target language which is different from the language used for the entire web documents, and because the web documents include two languages together, the web documents are produced as a mixed translation of the text; **figure 5, #505**: the Language-specific elements implies that the specific elements in a docment is translated into a target language which is different from the language of the entire documents)

Regarding claim 3, which is dependent on claim 1, Lakritz further discloses at least one target language comprises a plurality of languages resulting in translation into a mixed language content (col 7, lines 3-27: the fact that the invention allows *multilingual content*

to be served in an HTML file implies that a plurality of languages is used in translating a content into a mixed language content).

Claims 4 and 7 are for a system and a computer program product of method claim 1, and are rejected under the same rationale.

Claims 6 and 9 are for a system and a computer program product of method claim 3, and are rejected under the same rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 2, 5, 8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Lakritz as applied to claims 1, 4, and 7 above, and further in view of Grefenstette (US Pat No. 6,396,951 B1, 5/28/02, filed 12/23/98).

Regarding claim 2, which is dependent on claim 1, Lakritz does not disclose using Language Guessing to determine the first language.
Grefenstette discloses using Language Guessing to determine the first language in translating documents from a first language to a second language or a target language (figure 3A, col 6, lines 18-41)
Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Grefenstette into Lakritz since Grefenstette teaches using Language Guessing to determine the language of the text to be translated providing the advantage to incorporate into Lakritz for easily identifying the first language of the text to be translated in case the language of the original document is not known in advance.

Claims 5 and 8 are for a system and a computer program product of method claim 2, and are rejected under the same rationale.

9. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakritz (US Pat No. 6,623,529 B1, 9/23/03, filed 1/28/99, priority 2/23/98).

Regarding claim 10, which is dependent on claim 1, Lakritz does not explicitly disclose:

- using a second 'lang' attribute to set an additional language for another portion of the text which is different from the first language and the language specified by said HTML 'lang' attribute
- automatically programmatically translating the portion having the first language into said additional target language with said 'lang' attribute as a key for machine translation

However, Lakritz does disclose allowing multilingual content to be served in an HTML file where the corresponding translations are retrieved from one or more language databases (col 7, lines 20-30) and the option of translating only a subset of the total content on the site (col 6, lines 26-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Lakritz for using a second language attribute to set an additional language for another portion of text in the document and translating said text into the additional language for the following reason. The fact that Lakritz provides more than one language for translating the text in an HTML file as well as allowing multilingual content to be served in an HTML file suggests an additional language can be used for translating another portion of an HTML file since the multilingual content feature implies that the content of the HTML file can have more than one portions with different languages.

Claims 11 and 12 are for a system and a computer program product of method claim 10, and are rejected under the same rationale.

Response to Arguments

10. Applicant's arguments filed 8/9/04 have been fully considered but they are not persuasive.

Applicants argue that Lakritz provides only the translation of the entire document into a single target language and Lakritz does not disclose a mixed translation of an HTML document as amended in claims 1, 4, 7 where a portion of text in a first language is translated into a target language (Remarks, pages 8-9).

Examiner respectfully disagrees.

Lakritz, beside disclosing the translation of the entire document into a single target language as mentioned in the previous office action, also discloses a mixed translation of an HTML document where a portion of text in a language is translated to another language as mentioned in the claim rejection above.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marques (US Pat No. 6,542,888 B2, 4/1/03, filed 11/26/97).

YODEN et al. (US Pat App Pub No. 2002/0007383 A1, 1/17/02, filed 3/30/98).

Karagiannis, *Translating Foreign Languages Online*, Popular Electronics, July 1998, vol. 15, Iss. 7, pg. 59, 3 pgs.

Richardson, *Sell Globally, Speak Locally*, Home Office Computing, February 1999, vol. 17, Iss, 2, pg. 92, 2 pgs.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clh
10/12/04

SANJIV SHAH
PRIMARY EXAMINER